

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No: 223/2023

**Saleem Shah S/O Mian Muhammad Shah Ex GPS Shamilat Mardan R/O
village Bakri Banda District Mardan.....Petitioner**

Versus

**The Secretary Elementary & Secondary Education Deptt, KPK Peshawar &
Others..... Respondents**

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Respondent



**District Education Officer
(Male) Mardan**

①

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

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village Bakri Banda District Mardan.....Petitioner

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**The Secretary Elementary & Secondary Education Deptt, KPK Peshawar &
Others..... Respondents**

Khyber Pakhtunkhwa
Service Tribunal

Para Wise Comments on Behalf of Respondents No 1 to 3

Diary No. 5806

Respectfully Sheweth,

Dated 25-06-23

PRELIMINARY OBJECTIONS:

1. That the appellant has got no cause of action as well as locus standi to file the instant appeal.
2. That the instant appeal is badly time barred.
3. That the appellant has not come to this Honorable Tribunal with clean hands, hence the appeal is liable to be dismissed.
4. That the appellant is estopped by his own conduct.
5. That the appellant has concealed the material facts from this Honorable Tribunal, hence the appeal is liable to be dismissed.
6. That the instant appeal is against the prevailing law and rules.
7. That the appellant has been treated as per law & rules.
8. That the SDEO(Mardan) has sent a letter No 920 dated 02-04-2015 to the respondent No 2, that appellant has left the school without sanction of leave.
(Copy of letter is as Annexure "A")
9. That the respondent No 2 has nominated Inquiry Officer vide letter No 1994 dated 19-03-2015 and the Inquiry Officer has submitted inquiry Report dated 25-03-015 regarding Mr. Saleem Shah PSHT at GPS Bakri Banda.
(Copy of letter is as Annexure "B")
10. That the absence notice of the appellant was published in daily Mashriq and daily Express on dated 12-04-2015,

(Copies of publication are as Annexure "C & D")

11. That after fulfillment of all codal formalities the appellant was removed from service vide order Endst No 3133/G dated 07-05-2015 in accordance with law.

(Copy of Removal is as Annexure "E")

12. That the appellant has filed departmental appeal on 19-08-2015 and the departmental appeal has rejected vid No 431-33 dated 3-12-2015, while the Service appeal is filed 23-01-2023, after seven(07) years which is badly Time barred as per Limitation Act.

(Copies of D/Appeal, & Rejection Order are as Annexure "F" & G)

FACTS:

1. Para No 1 pertains to record, hence need no comments.
2. Para No 2 is **Incorrect, & Not admitted**, as the appellant is absence from duty, so the appellant was removed from service.
3. Para No 3 pertains to record, however the appellant has not join his duty due to his absence from duty, hence needs no comments.
4. Para No 4 is **Incorrect, & Not admitted**, as the appellant is allowed to draw his suspension allowances on 24/7/2014 and the appellant was absence from duty on 16-12-2014 till now without sanction of leave which is mentioned in letter dated 02/04/2015.

(Copy of letter is as Annexure "A")

5. Para No 5 Pertains to record, hence need no comments.
6. Para No 6 is **Incorrect, & Not admitted** as the SDEO(Mardan) has sent a letter No 920 dated 02-04-2015 to the respondent, the appellant has left the school without sanction of leave.

(Copy of letter is as Annexure "A")

7. Para No 7 is **Incorrect, & Not admitted** as the absence notice of the appellant was published in daily Mashriq and daily Express on dated 12-04-2015, after fulfillment of all codal formalities the appellant was removed from service vide order Endst No 3133/G dated 07-05-2015 in accordance with law.

8. Para No 8 Pertains to record, however the Service appeal is filed 23-01-2023, after **Seven (07) years** which is **badly Time barred** as per **Limitation Act.**

(Copies of D/Appeal & Rejection Order are as Annexure "E" & F)

9. Para No 9 needs no comments.

GROUND:

A. Para A is incorrect baseless against facts & law, as the removal order issued by the answering respondent is not against the law and service rules, hence denied.

B. Para B is incorrect, baseless as proper notices for resuming of duty was served through publication but the appellant neither personally appeared before the answering respondent nor he submitted any written justification, hence denied.

C. Para C is incorrect, the Show Cause notice /absence notice of the appellant was published in daily Mashriq and daily Express on dated 12-04-2015, and after fulfillment of all codal formalities the appellant was **removed from service** vide order Endst No 3133/G dated 07-05-2015 in accordance with law.

D. Para D is incorrect, after fulfillment of all codal formalities the appellant was removed from service vide order Endst No 3133/G dated 07-05-2015 in accordance with law.

E. Para E is incorrect, the appellant is acquitted dated 12/06/2015 on compromise based and the enmity of the appellant has settled through compromise, furthermore the appellant has filed service appeal 23/01/2023 after **(07) Seven years** which is **Time Barred** as per **Limitation Act.**

F. Para No F, is incorrect, needs no comments.

G. Para No G is incorrect, needs no comments.


H. Para No F is related to court power, needs no comments.


I. Para I is incorrect, each and every case has his own merit and circumstances, needs no comments.


J. Para J is incorrect, the appellant is acquitted dated 12/06/2015 on compromise based and the appellant has filed service appeal 23/01/2023 after (07) Seven years which is Time Barred as per Limitation Act.

K. That the respondent seeks permission to raise additional grounds at the time of arguments.

Therefore, in view of the above made submissions, it is most humbly prayed that on the acceptance of this reply, the appeal in hand may kindly be dismissed in favor of the Respondent Department in the interest of justice.


SECRETARY
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondents No: 1)


DIRECTOR
E&SE Department Khyber
Pakhtunkhwa, Peshawar.
(Respondent No: 3)


District Education officer
(Male) Mardan
(Respondent No: 2)

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PESHAWAR**

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Versus


**The Secretary Elementary & Secondary Education Deptt, KPK Peshawar &
Others..... Respondents**

Reply to Application for condonation of delay.

Respectfully Sheweth,

1. Para No 1 is needs no comments.
2. Para No 2 is **Incorrect, & Not admitted** as the application may not kindly be treated as part of the service appeal because the service appeal is badly Time barred, and the appellant is not explain each and every day as per the relevant law.
3. Pare No 3 is **Incorrect, & Not admitted**, as the appellant is acquitted dated 12/06/2015 on compromise based and the appellant has filed service appeal 23/01/2023 after (07)Seven years which is too late as per Limitation Act, hence denied.
4. Para No 4 is incorrect, that each and every case has his own merit and circumstances, needs no comments. hence denied.
5. Pare No 3 is **Incorrect, & Not admitted**, as the order of the removal is valid and maintainable.
6. Pare No 3 is **Incorrect, & Not admitted** as the appellant is careless due to which the service appeal was delay.

Therefore it is humbly prayed that keeping in the above facts, the application may kindly be dismissed with cost.


**District Education Officer
(Male) Mardan**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

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village Bakri Banda District Mardan.....Petitioner

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Others..... Respondents

AFFIDAVIT

I, Mr. Sajid Khan Legal Representative Education Department Mardan do hereby
solemnly affirm and declare that the contents of Para Wise Comments submitted on
behalf of respondents are true to the best of my knowledge and belief and nothing
has been concealed from this Honorable Court. *It is further stated on oath
that in this appeal, the answering respondents have neither being
placed ex parte nor their defense struck off.*

123
5/4/23
Sajid Khan

Deponent

Sajid Khan

Sajid Khan

16101-6005318-5



7

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) MARDAN

No. 2925/G

DATED 05/04/2023

AUTHORITY LETTER

I, District Education Officer (Male) Mardan do hereby authorize Mr. Sajid Khan Legal representatives of the District Education Officer (Male) Mardan to Deal with the issues regarding Litigation, Represent & to attend the Hon, ble Service Tribunal Regarding Litigation.

District Education Officer

(Male) Mardan

Annexure - A (2)

Sub Divisional Education Officer
(Male) Primary Mardan
NO 920 /dated 24 /15

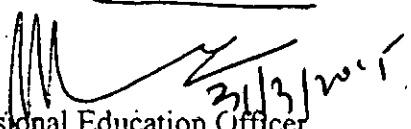
To ✓

The District Education Officer
(Male) Mardan

Subject:- LEAVE CASE OF SALEEM SHAH PSHT GPS BAKRI BANDA No-1
Memo

Reference your No.1994 dated 19.3.15 addressed to the Principal GHS Mahabat Abad Mardan & copy there of to this office, but report is still awaited from the enquiry officer.

The report of ASDEO (M) Mardan Khass, he stated that Mr. Saleem Shah PSHT GPS No-1 Bakri Banda has left the School w.e.f. 16.12.2014 till now without sanction of leave (Report is enclosed).

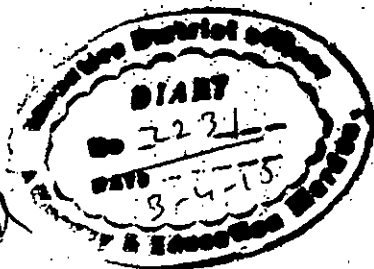

Sub Divisional Education Officer
(Male) Primary Mardan

Endst: NO _____ /

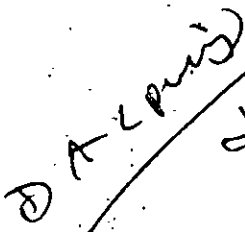
Copy forwarded to the:-

1. Principal GHS Mahabat Abad w/r to DEO(M) Mardan No.1994 dated 19.3.15.
2. ASDEO(M) Circle Mardan Khass
3. Mr. Saleem Shah PSHT GPS No-1 Bakri Banda to Explain your Position in written with in three days otherwise disciplinary action will be taken against you under the rules

Sub Divisional Education Officer
(Male) Mardan




District Education Officer
(Male) Mardan


22/1/15

Annexure B ②

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O/O THE DISTRICT EDUCATION OFFICER
(MALE) MARDAN.

No. 1994 / Dated 19/3 2015.

To

The Principal
GHS Muhabat Abad
Mardan.

Subject:- INQUIRY AGAINST MR. SALEEM SHAH PSHT GPS NO.1 BAKRI
BANDA MARDAN.


Memo:-

You are nominated as inquiry officer in the absence from duty case in r/o Mr. Saleem Shah PSHT GPS Bakri Banda vide this office notification No. 12423-24 Dated 17-12-2014 but the report is still awaited from your side.

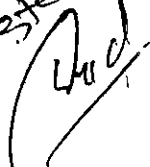
Therefore, you are requested to conduct the said inquiry and submit the report with clear recommendations within 03 days to avoid any more delay.

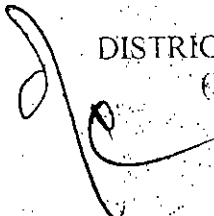
Endst: No. 1995

Copy forwarded to the:-


DISTRICT EDUCATION OFFICER
(MALE) MARDAN.

1. SDEO (M) Mardan with the remarks to submit factual position immediately in the light of his letter No.06 Dated 01-01-2015.

Attested

District Education Officer
(Male) Mardan


DISTRICT EDUCATION OFFICER
(MALE) MARDAN.

Annexure C (10)

DNCP
A
STBKS

OFFICE OF THE HEAD MASTER
GHS, MOHABAT ABAD MARDAN
NO. 887 DATED 25/3/2015.

To

The District Education Officer

(Male) Mardan;

Subject:- ENQUIRY REPORT AGAINST SALEEM SHAH PSHT.

Memo-

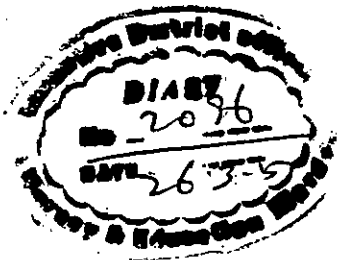
Reference your letter no. Dated .

The undersigned visited GPS.No.1 Bakri Banda on 15-01-2015 in the absence case of Saleem Shah PSHT, of the said School.

according to the School attendance Register, other relevant papers(photo copies are attached) and the written statement of Nazir Muhammad SPST (incharg Head Teacher , Saleem Shah PSHT was absent from his duty w.e.f. 16-12-2014 due to unknow reasons .

According to the Head Teacher,s statement and the school correspondes Register the has applied for the sanction of Earned Leave which was forwarded to the S.D.E.O (M) Mardan on 16-12-2014 vide endst; No.341, while copy of the above said application was not available.

In light of the above facts, it is recommended that He may please be considered absent from duty w.e.f. 16-12-2014 and a showcaus notice is required to be issued in this regard for the further necessary action.



DBD / ACP (no)
25/3
Attested
(Signature)

(Khalid Iqbal)

HAED MASTER
GHS, MOHABAT ABAD MARDAN.

District Education Officer
(Male) Mardan

دو حلقہ بیان الگوالٹری اکھنڈ کانسٹریٹ

میں سستی ترقی پورے اچارج PST، PS بجی مگر ماردان خلیفہ بیان
 دیتا ہوں کہ صدر سلیم شاہ HPT سکول ہذا جو کہ 15 دسمبر 2014ء
 تک سکول میں حاضر ہو رہا تھا۔ بعد ازاں سکول 16/12/2014 سے بحال
 رخصت استحقاق پر لے کر ماردان بجی کی درخواست
 استحقاق پر لے کر حوالہ کتابت رخصت نمبر 344 مورہ
 16-12-14 SDEO مڈل ماردان کو مندرجہ کارروائی کے لئے ارسال
 کر دی گئی ہے۔ درخواست - ہذا کی منظوری آنے کے بعد
 اسے رخصت پر لے کر رخصت حاضر ہی مقیمین میں
 درج کیا جائے گا۔

Head Teacher
 Govt. Primary School
 Bakri Banda No.1
 15-01-2015

گواہ غبرا روار میں PST
 CNIC: 16161891942-5

گواہ غیرتہ ستار علی PST
 CNIC: 16161897990-1

Handwritten signature

District Education Officer
 (Male) Mardan

340

To
EDO and D.D.O
(Male) Mardan

صیڈیکل ایجوکیشن کے بعد چھٹی نمبر 43-8041 کے مطابق 2013-07-15 کو دوبارہ چارج جی پی ایس بکری بانڈ نمبر PST زوار صیبن لیا گیا۔

341

16-12-14

To

DD SDO (M) and EDO
MARDAN

~~341~~
~~16-12-14~~

درخواست دہندہ کی طرف سے سلیپ سٹامپ کی گئی ہے۔ اس کے واسطے درخواست کی تھی۔ اس کے واسطے درخواست دی ہے۔

342

12/1/2015

To

SDO EDO (male)
MARDAN

صیڈیکل ایجوکیشن کے واسطے درخواست دی ہے۔ اس کے واسطے درخواست دی ہے۔

(12)

Copy attached

Headmaster
G.H.S. Mohabbat Abad
Mardan

Attached

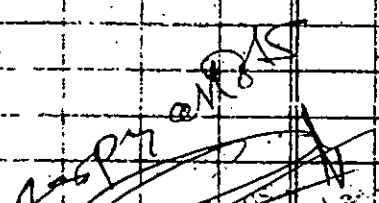
District Education Officer
(Male) Mardan

رجسٹر حاضری مدرسین متعلقہ گورنمنٹ پرائمری سکول بڈی، ناہیہ تحصیل مردان ضلع مردان

رجسٹر حاضری

بابت ماہ جنوری ۲۰۰۶ء

نمبر	تاریخ	نمبر (۳) زوہر حسین			نمبر (۴) جمال شاہ			نمبر	تاریخ
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 Headmaster
 G.H.S. Mohabbat Mardan

تفصیل رخصت
 حال سابقہ میزان حال سابقہ میزان حال سابقہ میزان
 District Education Officer
 (Male) Mardan

بابت ماہ جنوری ۲۰۱۵

نمبر ۲۴ عہدہ	نمبر ۲۴ عہدہ	نمبر ۲۴ عہدہ			نمبر ۲۴ عہدہ			نمبر ۲۴ عہدہ			تاریخ
		آمد	دستخط	روایتی	آمد	دستخط	روایتی	آمد	دستخط	روایتی	
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Special by Director (E) DUE
Duty From 8/1/2015 to 11/1/2015
Sunday

Leaves
From 17/2/2015 to 11/2/2015
to Army Public School
Beshwar
Attaches
@ 4/00 @ 8/-
@ 4.00 @ 8/-
@ 4.00 @ 8/-
@ 4.00 @ 8/-
@ 1/35 @ 8/5
@ 1/35 @ 8/5
@ 1/35 @ 8/5
@ 8/10

Copy sent to
G.S. Mohan
Wardar

تفصیل رخصت

میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال	میزان	سابقہ	حال

رجسٹر حاضری مدرسین متعلقہ گورنمنٹ پرائمری سکول بکری ماڈرن تحصیل مردان ضلع مردان
 بابت ماہ دسمبر ۲۰۱۴ء

تاریخ	نمبر ۱ ۲۴ سلسلہ شاہ عہدہ میسٹر			نمبر ۲ ۲۴ زوار حسین عہدہ ٹیچر			نمبر ۳ ۲۴ نر پیر محمد عہدہ ٹیچر			نمبر ۴ ۲۴ جمال شاہ عہدہ ٹیچر		
	آمد	دستخط	روایتی	آمد	دستخط	روایتی	آمد	دستخط	روایتی	آمد	دستخط	روایتی
۱	8/10	Sh	11/35	8/20	Sh	11/35	7/50	Sh	11/35	8/20	Sh	11/35
۲	8/15	Sh	11/35	8/20	Sh	11/35	C/Leave			8/15	Sh	11/35
۳	8/16	Sh	11/35	8/20	Sh	11/35	7/50	Sh	11/35	8/10	Sh	11/35
۴	8/30	Sh	11/35	C/Leave			8/1	Sh	11/35	8/-	Sh	11/35
۵	8/10	Sh	11/35	C/Leave			7/50	Sh	11/35	8/14	Sh	11/35
۶	8/10	Sh	11/35	8/20	Sh	11/35	8/-	Sh	11/35	8/15	Sh	11/35
۷	8/20	Sh	11/35	8/10	Sh	11/35	7/50	Sh	11/35	8/10	Sh	11/35
۸	8/20	Sh	11/35	8/10	Sh	11/35	C/Leave			8/20	Sh	11/35
۹	8/10	Sh	11/35	8/10	Sh	11/35	8/-	Sh	11/35	8/15	Sh	11/35
۱۰	8/25	Sh	11/35	8/30	Sh	11/35	8/-	Sh	11/35	8/10	Sh	11/35
۱۱	8/20	Sh	11/35	8/30	Sh	11/35	7/50	Sh	11/35	8/10	Sh	11/35
۱۲	8/20	Sh	11/35	8/10	Sh	11/35	8/1	Sh	11/35	8/20	Sh	11/35
۱۳	8/20	Sh	11/35	8/20	Sh	11/35	7/50	Sh	11/35	8/20	Sh	11/35
۱۴	8/20	Sh	11/35	8/20	Sh	11/35	7/50	Sh	11/35	8/20	Sh	11/35
۱۵	8/30	Sh	11/35	8/10	Sh	11/35	7/50	Sh	11/35	8/20	Sh	11/35
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Handwritten signature and stamp: GHS - Mohmandpur - March

تفصیل رخصت

حرف	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان	حال	سابقہ	میزان
۳	-	2	17	7	10	7	7	1	7	7	2	3

Handwritten signature and stamp: Attested by the Officer

Annex
16

http://www.dailymashriq.com

DAILY MASHRIQ PESHAWAR

پشاور
سید تاج میر شاہ
مسل اشاعت کے 48 سال

ABC
CERTIFIED

پشاور دور رس اخبار کی ایک نئی اشاعت قومی اخبار

جلد 48 نمبر 2 جمادی الثانی 1436ھ 12 دسمبر 2015ء

Infok@Govt @infok@Govt Send KP to 8333 INF(1)2021

فوائد غیر حاضری

آج دن دن کلاس نور ایسا کھانا ڈیوٹیوں سے گزیر کر رہے ہیں۔ لہذا آپ کی غیر حاضری کی بنا پر
مقررہ آج تمام کے خلاف انکوائریاں شروع ہیں اور انکوائری اسرار سے آپ تمام کے خلاف انکوائری کر کے
آج تمام کے غیر حاضری کی تصدیق کی ہے اور آپ کے خلاف ہونی کارہ جونی کی سزاؤں کی ہے جس کی بنا پر
آج کے گھر کے ہیں پر آپ تمام کو نوٹس بھیج دیئے گئے ہیں لہذا آپ تمام کو بذریعہ نوٹس مطلع کیے
جاتے ہیں کہ آپ تمام اس نوٹس کے اشاعت کے بعد دن کے اندر اندھا کی ڈیوٹی پر حاضر ہو کر آج غیر حاضری
حاضری کی تصدیق ہو جائے گی۔ بصورت دیگر آپ کے خلاف مجوزہ قانون 2011 کے مطابق جاتی کارروائی کی
جاسکتی ہے جس میں آپ تمام کو کرپشن سے پرہیز کر کے پاس کر کے جاسکتے ہیں۔

نمبر	نام اسکول	تاریخ غیر حاضری
1	انجمن احمدیہ چکینڈار گورنمنٹ پرائمری سکول نمبر 1	19.12.2013
2	سید شاہ PST گورنمنٹ پرائمری سکول شالوات مردان	17.12.2014
3	سید شاہ گورنمنٹ پرائمری سکول بکی باغ	16.04.2014
4	خوشبو خانان PET گورنمنٹ ہائی سکول سید آباد	16.09.2014
5	وردین خانان PST گورنمنٹ پرائمری سکول باجوڑ بازار	02.08.2014
6	سین خانان PST گورنمنٹ پرائمری سکول پراٹھوئی	03.10.2014
7	لواس خانان Sweeper گورنمنٹ ہائی سکول قارم گورنمنٹ	15.06.2012
8	گورنمنٹ چکینڈار گورنمنٹ پرائمری سکول پراٹھوئی بازار	09.10.2014

حقیقہ اللہ و شریک ایجوکیشن آفیسر (مردان) ضلع مردان

Infok@Govt @infok@Govt Send KP to 8333 INF(1)2021

Attested
District Education Officer
(Male) Mardan

Annexure - C

Annex A
D
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F

DAILY EXPRESS



SUNDAY APRIL 12, 2015

پاکستان کے 11 سب سے بڑے روزانے میں سے ایک اور آواز
اتوار 22 جمادی الثانی 1436ھ 12 اپریل 2015ء نمبر 42 قیمت 18 روپے

نوٹس غیر حاضری

آب ذریعہ اولیٰ کا حق اور اساتذہ و اعلیٰ اہل علموں سے لیکر کسی غیر حاضرین پر لگاؤ آپ کی غیر حاضرین کی بنا پر
محکمہ خدائے آب تمام کے خلاف انگریزی اور اردو سب سے بڑے اور انگریزی اور اردو سب سے بڑے اور انگریزی اور اردو سب سے بڑے
آب تمام کے لیے غیر حاضرین کی تعداد میں کمی سے اور آپ کے خلاف قانونی کارروائی کی سزا میں کمی سے
آپ کے گھر کے بلوں پر آپ تمام کو لیں بھی دیکھ گئے ہیں لہذا اب آپ تمام کو لیں بھی دیکھ گئے ہیں لہذا اب آپ تمام کو لیں بھی دیکھ گئے ہیں
جائے ہیں کہ آپ تمام اس فرض کے اوقات کے چھ دنوں کے اندر اندر اپنی ذمہ داریوں کو سرانجام دیا جائے اور اگر آپ غیر حاضری
یا غیر حاضری کی سزا میں ہیں یا نہیں۔ اس وقت تک آپ کے خلاف مجوزہ قانون 2011ء کے مطابق سزا دی جائے گی اور سزا کی
خاموشی۔ جن میں آپ تمام کو لیں سے یہ سزا دیا جائے گا جس کے بارے میں

سیرنمبر	نام مدرسہ/سکول	تاریخ غیر حاضری
1	غلام احمد چوکدار گورنمنٹ پریمری سکول نمبر 1، گولت مردان	19.12.2013
2	سیو شاہ PST گورنمنٹ پریمری سکول شالوات مردان	17.12.2014
3	سید شاہ گورنمنٹ پریمری سکول کرنیا شاہ	16.04.2014
4	خورشید خان PET گورنمنٹ ڈیپارٹمنٹ سکول سیرا آباد	16.09.2014
5	درویش خان PST گورنمنٹ پریمری سکول تاجزادہ گورنمنٹ	02.08.2014
6	سکول خان PST گورنمنٹ پریمری سکول سیرا آباد	03.10.2014
7	برائین خان Sweeper گورنمنٹ ایلی سکول گام گوند	15.06.2012
8	درویش چوکدار گورنمنٹ پریمری سکول سیرا آباد	09.10.2014

المشتہق:

(NEP)2038

حنیف اللہ ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) ضلع مردان

Handwritten Signature
District Education Officer
(Male) Mardān

Amir Khore ^E ~~DD~~ - (18)



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) E&SE MARDAN

OFFICE ORDER.

Whereas You Mr. Saleem Shah SPST GPS Bakri Banda Mardan remained will full absent from duty with effect from 16-04-2014 till date, without any permission/information.

Whereas the authorized officer sent three consecutive absence notices through concerned officer by registered cover on your home address for the resumption of your duty but you failed to resume your duty.

Whereas, the undersigned further published notice in daily Masthead Peshawar & Express Peshawar dated 12-04-2015 but you neither personally appear before the undersigned nor you submitted any written justification within the stipulated period.

Now, therefore, the undersigned being the competent authority in exercise of powers conferred in the Efficiency and Disciplinary Rules 1973 revised in 2011, has been pleased to impose the major penalty i.e Removal from Service upon you Mr. Saleem Shah SPST GPS Bakri Banda Mardan with effect from the dated of your will full absence.

HANIF ULLAH FAROOQ
DISTRICT EDUCATION OFFICER
(MALE) MARDAN

Endst: No. 3132/8 P. File

Dated 7/8

Copy forwarded to the:-

1. P.S Secretary Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar
3. Deputy Commissioner Mardan
4. District Monitoring Officer IMU Mardan
5. SDEO (M) Primary Mardan with the remarks to submit his service book for return from service entry.
6. Mr. Saleem Shah SPST C/O Head Teacher GPS Bakri Banda Mardan

Handwritten signature

DISTRICT EDUCATION OFFICER
(MALE) MARDAN
Attested
Handwritten signature

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To

The Director Elementary and Secondary Education

KPK Peshawar.

SUBJECT: Appeal for reinstatement and cancelation of termination order of appellant Mr. Saleem Shah s/o Mian Muhammad Shah PST (G.P.S Bakri Banda No.1 Mardan)

Respectfully sheweth:

1. That the appellant namely Saleem Shah s/o Mian Muhammad Shah R/o Nisatta Road Bakri Banda Mardan was appointed as PST (G.P.S Bakri No.1 Banda) on 03/12/1990 and is a regular and punctual teacher.
2. That the appellant was charged in case FIR No. 387 U/S 489Fppc dated 12/6/2013 at P.S sadder Mardan.
3. That due to above mention FIR the appellant was suspended w.e.f. 12/6/2013 on dated 22/06/2013.
4. That due to compromise between the parties the honorable additional session judge II Mardan released the appellant on bail on dated 14/10/2013.
5. That due to above mentioned order of honorable court the DEO Mardan reinstated the appellant on 24/7/2014 w.e.f the date of his suspension which is 12/6/2013.
6. That when the trial was commenced in the above mention case the compromise which was affected in bail stage was not followed by the appellant and in this way non bail able warrant were issued against the appellant and declare absconder by the honorable court and in this way the appellant also remain absent from his duty and in this connection publication was issued in daily mashriq and express on dated 12/4/1015 (copy of publication in newspaper and of court order sheets/warrants are attached here with).

Attested
District Education Officer
(Male) Mardan

7. That on 7/5/2015 the appellant removed from service by DEO Mardan. On the ground that the appellant was absent from 16/04/2014 but in school attendance register the appellant was in attendance till 16/12/2014 and remain absent from 17/12/2014 due to earned leave application on 16/12/2014 which was approved by S.D.E.O(M)Mardan on 26/12/2014 and then forwarded to D.E.O Mardan for further action
(Copy of termination order and earned leave application are hereby attached with)
8. That in the above mentioned case the appellant was acquitted by the Judicial Magistrate II Mardan on 12/6/2015 (acquittal order is attached with).
9. That the authority used by the DEO Mardan is not according to the facts and used his authority without using his mind and full observation.
10. That if the instant appeal is not accepted the appellant will receive mental as well as financial lose because his absence is not intentional but due the facts mentioned above.
11. That the appellant is the only supporter of his family and his termination order will suffer him heavy financial and mental lose.

It is therefore prayed that instant appeal may kindly be admitted and order issued by the DEO Mardan on 7/5/2015 may kindly be set aside and the appellant may kindly be reinstated with previous benefits and other relief which this honorable director deems fit may also be granted.

Appellant



Saleem Shah s/o main Muhammad Shah

PST (G.P.S Bakri Banda No.1 Mardan

Date 10-8-15

Attested
Chief
Principal
Education Officer
Mardan

Annexure 21
G

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA

ORDER

1. WHEREAS, Mr. Saleem Shah PSHT GPS Bakri Banda No.1 Mardan was found absent from this duty w.e.f 16.04.2014 till date and he is proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules, 2011 for the said charges.
2. AND WHEREAS, the above named PST teacher was charged in criminal case bearing FIR No.387 dated 12.06.2013 at Police Station Thana Sadaar Mardan
3. AND WHEREAS, on finalty of proceeding DEO (M) Mardan imposed the major penalty of converting the above period as un-authorized leave from duty and removed from service.
4. AND WHEREAS, consequently he made appeal to the appellat authority Director E&SE vide 973 dated 03.09.2015.
5. NOW THEREFORE, in exercise of powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. The appellat authority is pleased to reject the appeal of the above PST teacher

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No. 33 /F No.141/PST(M)Mardan

Dated Peshawar the 3/12 -2015.

Copy forwarded for information and necessary action to the:-

1. District Education Officer (M) Mardan w/r to his No.6314 dated 19.09.2015.
2. Teacher concerned.
3. P/A to Director E&SE, Khyber Pakhtunkhwa, Peshawar.
4. Master File.

Attested
[Signature]
District Education Officer
(Male) Mardan.

[Signature]
Deputy Director (Estb)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.
7/12/15